

AMENDED IN SENATE MARCH 15, 2010

AMENDED IN SENATE JULY 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1569

Introduced by ~~Assembly Member Salas~~ Committee on Veterans Affairs (Salas (Chair), Gilmore, Lieu, V. Manuel Perez, and Yamada)

(Principal coauthor: Senator Romero)

March 16, 2009

~~An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education. An act to add Article 8.3 (commencing with Section 999.90) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to military and veterans.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1569, as amended, ~~Salas~~ Committee on Veterans Affairs. ~~Physical education. Veterans: National Guard: California Interagency Council on Veteran Services and Programs.~~

Existing law provides certain protections and benefits for veterans and members of the National Guard.

This bill would create in state government the California Interagency Council on Veteran Services and Programs, composed of specified members, for the purpose of bringing together key state agencies and departments, federal officials, legislative representatives, local governments, and stakeholder organizations to ensure that the state's programs that serve veterans are efficiently administered and properly integrated with federal and local government and other stakeholder organizations.

~~Existing law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays.~~

~~This bill would authorize the governing board of a school district to exempt any high school pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band as part of the regular course of study or regular school-sponsored extracurricular activities. The bill would specify minimum standards for the physical education substitute courses and require that a certificated employee with an appropriate credential teach the course of study. The bill also would make other technical and clarifying changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 8.3 (commencing with Section 999.90) is*
2 *added to Chapter 6 of Division 4 of the Military and Veterans*
3 *Code, to read:*

4
5 *Article 8.3. California Interagency Council on Veteran Services*
6 *and Programs*
7

8 *999.90. The Legislature hereby finds and declares all of the*
9 *following:*

10 *(a) The care of veterans and our National Guard members and*
11 *their families cannot be neglected, especially while the country*
12 *remains at war.*

13 *(b) The needs of California's over two million veterans and*
14 *their families are diverse and the challenges they face are many.*
15 *The issues, including, but not limited to, supportive housing,*
16 *homelessness, mental health, and job training, affect veterans from*
17 *the World War II and Vietnam eras to younger veterans returning*
18 *from Operation Iraqi Freedom and Operation Enduring Freedom.*

19 *(c) While the federal government has a primary role in providing*
20 *for the care of our veterans, the programs and services offered by*
21 *the federal government do not address the needs of many of our*

1 *veterans in a comprehensive manner; and consequently the gaps*
2 *in service are increasingly defaulting to state and local providers.*

3 *(d) A 2009 audit performed by the Bureau of State Audits found*
4 *that the Department of Veterans Affairs provides few direct services*
5 *to veterans, outside of its operation of the Veterans' Homes of*
6 *California and the CalVet Farm and Home Loan program, and*
7 *that the department has extremely limited interaction and few*
8 *formal agreements with other state agencies and departments that*
9 *could provide additional services to veterans if done in a*
10 *coordinated and efficient manner.*

11 *(e) The 2009 audit additionally noted that the Department of*
12 *Veterans Affairs strategic plan covering the 2007–08 to 2011–12*
13 *fiscal years, inclusive, was incomplete and has not formally*
14 *assessed veterans' needs, has not included key stakeholders in its*
15 *strategic planning process, and has not effectively measured its*
16 *progress towards meeting the goals and objectives identified in*
17 *the plan.*

18 *(f) The 2009 audit additionally confirmed that California's*
19 *veterans participate in federal disability and pension benefits at*
20 *rates that are significantly lower than those in other states with*
21 *large veteran populations. These disability payments are paid*
22 *directly to the veterans and generate a significant contribution to*
23 *California's economy.*

24 *(g) The California Research Bureau recently estimated that*
25 *there are approximately 29,000 homeless veterans currently in*
26 *California, and it has been reported that veterans makeup over*
27 *20 percent of the homeless population. It has also been reported*
28 *that Operation Iraqi Freedom veterans and Operation Enduring*
29 *Freedom veterans, and increasingly women veterans, are becoming*
30 *homeless sooner than veterans from the Vietnam era.*
31 *Unfortunately, the CalVet Farm and Home Loan program only*
32 *provides benefits to veterans who want to purchase single family*
33 *homes, which does not serve the growing needs of our homeless*
34 *veteran community and their families, who are increasingly in*
35 *need of emergency shelter and transitional, multifamily, and*
36 *supportive housing programs.*

37 *(h) Interagency and interdepartmental coordination and*
38 *interaction with the federal government and local government*
39 *agencies will be needed to support the Governor's Operation*
40 *Welcome Home proposal that was announced in the Governor's*

1 2010 State of the State Address, and that would establish a
2 comprehensive state program to provide a range of programs and
3 services to veterans.

4 999.91. For purposes of this article, both of the following shall
5 apply:

6 (a) “Council” means the California Interagency Council on
7 Veteran Services and Programs.

8 (b) “Stakeholder organization” means a nonprofit organization
9 whose primary mission is to serve veterans or members of the
10 National Guard, or both.

11 999.92. There is hereby created in state government the
12 California Interagency Council on Veteran Services and Programs.

13 999.93. (a) The council shall consist of all of the following
14 members:

15 (1) The secretary or director, as applicable, or his or her
16 designee with decision making authority, from each of the
17 following:

18 (A) Service and volunteering.

19 (B) The Department of Housing and Community Development.

20 (C) The Employment Development Department.

21 (D) The Department of Veterans Affairs.

22 (E) The State Department of Alcohol and Drug Programs.

23 (F) The State Department of Health Care Services.

24 (G) The Employment Training Panel.

25 (H) The State Department of Mental Health.

26 (I) The Military Department.

27 (J) The Department of General Services.

28 (K) The California Workforce Investment Board.

29 (2) A representative of the Governor’s office.

30 (3) Two representatives of county government selected by the
31 Governor who are county veteran services officers.

32 (4) The Chairperson of the Senate Committee on Veterans
33 Affairs or a representative appointed by the Senate Committee on
34 Rules

35 (5) The Chairperson of the Assembly Committee on Veterans
36 Affairs or a representative appointed by the Speaker of the
37 Assembly.

38 (6) Representatives of two stakeholder organizations, with one
39 to be appointed by the Speaker of the Assembly and the other to
40 be appointed by the Senate Committee on Rules.

1 ***(b) The Governor shall appoint a chairperson and vice***
2 ***chairperson from among the members of the council.***

3 ***(c) Members of the council shall not receive any compensation.***

4 ***999.94. The purpose of the council is to bring together key***
5 ***state agencies and departments, federal officials, legislative***
6 ***representatives, local governments, and stakeholder organizations***
7 ***to ensure that the state's programs that serve veterans are***
8 ***efficiently administered and properly integrated with federal and***
9 ***local government and other stakeholder organizations.***

10 ***999.95. The council may establish working groups, task forces,***
11 ***or other structures from within its membership or with outside***
12 ***members to assist it in its work. Working groups, task forces, or***
13 ***other structures established by the council shall determine their***
14 ***own meeting schedules.***

15 ***999.96. The council shall do all of the following:***

16 ***(a) In its first year of operation, hold public meetings at least***
17 ***once every month. In its second year of operation, and each***
18 ***subsequent year thereafter, hold public meetings at least once***
19 ***every quarter.***

20 ***(b) Invite appropriate representatives of the federal government,***
21 ***including, but not limited to, representatives of the United States***
22 ***Department of Veterans Affairs, the United States Department of***
23 ***Housing and Urban Development, and the United States***
24 ***Department of Labor to participate on the council.***

25 ***(c) Ensure that state agencies and departments are doing all of***
26 ***the following:***

27 ***(1) Adequately serving the needs of veterans and National Guard***
28 ***members and continuously evaluating whether their programs are***
29 ***accommodating the surge in demand for services from veterans***
30 ***returning from Operation Iraqi Freedom and Operation Enduring***
31 ***Freedom.***

32 ***(2) Coordinating with federal agencies and departments***
33 ***including, but not limited to, the United States Department of***
34 ***Veterans Affairs, the United States Department of Housing and***
35 ***Urban Development, and the United States Department of Labor***
36 ***to determine whether California is maximizing the use of federal***
37 ***funding available to support veterans programs.***

38 ***(3) Discussing with local governments, the private sector, and***
39 ***stakeholder organizations ways to complement or utilize existing***
40 ***services provided by state and federal veterans programs and***

1 *potential mechanisms for streamlining the administration of*
2 *veterans programs across agencies and jurisdictions to reduce*
3 *duplication, consolidate availability of services, and ease veterans*
4 *access to services.*

5 *(4) Soliciting input and suggestions from stakeholder*
6 *organizations, the business community, the concerned public, and*
7 *other governmental agencies on the most effective strategies to*
8 *serve veterans.*

9 *(5) Identifying best practices from other states in serving*
10 *veterans.*

11 *(6) Creating a plan for council actions by the end of the first*
12 *year after the initial meeting to implement recommendations for*
13 *policy, regulatory, and resource changes needed to accomplish*
14 *objectives, as well as each agency's and department's*
15 *responsibilities on the council.*

16 *999.97. The council may engage or accept the services of*
17 *agency or department personnel, accept the services of stakeholder*
18 *organizations, and accept private or other nonstate funding to*
19 *operate, manage, or conduct the business of the council.*

20 *999.98. The council shall operate within the current budget of*
21 *each department and agency represented. Each department and*
22 *agency shall cooperate with the council and furnish it with*
23 *information and assistance that is necessary or useful to further*
24 *the purposes of this article.*

25 ~~SECTION 1. It is the intent of the Legislature to provide school~~
26 ~~districts with the statutory authority to continue providing as~~
27 ~~substitutes for physical education those high school courses and~~
28 ~~activities that require vigorous physical activity, promote pupil~~
29 ~~and parent engagement, and foster pupil achievement across the~~
30 ~~state.~~

31 ~~SEC. 2. Section 51222 of the Education Code is amended to~~
32 ~~read:~~

33 ~~51222. (a) All pupils, except pupils excused or exempted~~
34 ~~pursuant to Sections 51241, 51242, and 51242.1, shall be required~~
35 ~~to attend courses in physical education for a total period of time~~
36 ~~of not less than 400 minutes each 10 schooldays. Any pupil may~~
37 ~~be excused from physical education classes during one of grades~~
38 ~~10, 11, or 12 for a time period less than 24 hours in order to~~
39 ~~participate in automobile driver training. A pupil who is excused~~
40 ~~from physical education classes to enroll in driver training shall~~

1 attend a minimum of 7,000 minutes of physical education
2 instruction during that school year.

3 (b) The governing board of each school district that maintains
4 a high school and that elects to exempt pupils from required
5 attendance in physical education courses pursuant to paragraph
6 (1) or (2) or both of subdivision (b) of Section 51241 shall offer
7 those exempted pupils a variety of elective physical education
8 courses of not less than 400 minutes each 10 schooldays.

9 SEC. 3. Section 51242.1 is added to the Education Code, to
10 read:

11 51242.1. (a) The governing board of a school district that
12 provides the following courses or programs as part of the regular
13 course of study or as part of the regular school-sponsored
14 extracurricular activities may exempt any high school pupil who
15 has completed such a course or program from courses in physical
16 education:

17 (1) California Cadet Corps.

18 (2) Cheer team or dance team.

19 (3) Color guard or drill team.

20 (4) Junior Reserve Officer Training Corps.

21 (5) Marching band.

22 (b) Any course or program that qualifies high school pupils for
23 the exemption in subdivision (a) shall include not less than 400
24 minutes of the physical education substitution each 10 school days,
25 and shall support a course of study that includes any of the
26 following physical education content areas: effects of physical
27 activity upon dynamic health; mechanics of body movement;
28 aquatics; gymnastics and tumbling; individual and dual sports;
29 rhythms and dance; team sports; and combatives.

30 (c) Any regular course of study for which a high school pupil
31 receives course credit and which qualifies her or him for the
32 exemption in subdivision (a) shall be taught by a certificated
33 employee of the school district who holds an appropriate credential
34 to teach that course.

35 (d) Any regular school-sponsored extracurricular activity that
36 qualifies a high school pupil for the exemption in subdivision (a)
37 shall have a certificated employee of the school district serve as
38 the sponsor of the activity at the school site.

39 (e) The governing board of a school district that provides pupils
40 with an exemption pursuant to this section shall ensure that all of

- 1 the courses, programs, and activities offered pursuant to subdivision
- 2 (a) are in compliance with state and federal laws.

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